

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

September 16, 2024
LAURA A. AUSTIN, CLERK
BY: s/J.Vasquez
DEPUTY CLERK

GARI G.,¹

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner,
Social Security Administration,

Defendant.

Civil Action No. 5:23-cv-00026

By: Elizabeth K. Dillon
Chief United States District Judge

ORDER

In this social security case, plaintiff Gari G. asks the court to review the defendant Martin O'Malley's, Commissioner of the Social Security Administration, final decision denying her claim for disability insurance benefits ("DIB") under Title II of the Social Security Act, 42 U.S.C. §§ 404–434. Gari G. filed a motion for summary judgment, asking the court to reverse the Commissioner's decision and award her benefits. (Dkt. No. 9.) Pursuant to 28 U.S.C. § 636(b)(1)(B), the court referred the motion to U.S. Magistrate Judge Joel C. Hoppe for a report and recommendation (R&R).

On August 30, 2024, the magistrate judge issued his R&R, recommending that the court deny Gari G.'s motion for summary judgment, affirm the Commissioner's final decision denying Gari G.'s DIB claim, and dismiss this case from the court's active docket. (R&R, Dkt. No. 16.) The magistrate judge also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file

¹ Due to privacy concerns, the court is adopting the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States that courts only use the first name and last initial of the claimant in social security opinions.

written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.*)

The deadline to object to the R&R has passed, and no party has filed an objection. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record here, the court is satisfied that there is no clear error. Accordingly, the court hereby ORDERS as follows:

1. The R&R (Dkt. No. 16) is ADOPTED;
2. Gari G.’s motion for summary judgment (Dkt. No. 9) is DENIED; and
3. The final decision of the Commissioner is AFFIRMED.

An appropriate judgment order will be entered.

Entered: September 16, 2024.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
Chief United States District Judge